

CITY OF MENASHA
Common Council
City Hall-140 Main St.-Council Chambers-3rd Floor
August 18, 2008

MINUTES

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1. CALL TO ORDER

Meeting called to order by Mayor Merkes at 7:40 p.m.

2. PLEDGE OF ALLEGIANCE

A. [Pledge of Allegiance](#)

3. ROLL CALL/EXCUSED ABSENCES

A. [Roll call](#)

PRESENT: Ald. Pack, Hendricks, Zelinski, Michalkiewicz, Benner, Pamenter, Taylor, Wisneski.
ALSO PRESENT: Mayor Merkes, Neenah City Attorney Jim Godlewski, PC Stanke, CDD Keil,
C/T Stoffel, PRD Tungate, AP Beckendorf, Eng. Suprv Montour, Clerk Galeazzi, and the Press.
DEPT. HEADS EXCUSED: PHD Nett, DPW Radtke

4. MINUTES TO APPROVE-MINUTES & COMMUNICATIONS TO RECEIVE

Minutes to approve:

A. [Common Council, 8/4/08](#)

B. [Special Session Common Council, 7/31/08](#)

C. [Joint Common Council and Menasha Utilities Commission, 8/4/08](#)

D. [Joint Common Council and Plan Commission, 8/4/08](#)

Moved by Alderman Wisneski, seconded by Alderman Pamenter to approve minutes A-D

Discussion: Ald. Taylor-Common Council Minutes, Item 5C1 to read "Stan Sevenich Opposes Settlement Agreement with PCI."

Motion Carried on voice vote

Results:

Minutes to receive:

E. [Administration Committee, 8/4/08](#)

F. [Board of Public Works, 8/4/08](#)

- G. [IT Steering Committee, 6/18/08](#)
- H. [Plan Commission, 8/12/08](#)
- I. [Sustainability Board, 7/22/08](#)
- J. [Water and Light Commission, 7/31/08](#)

Communications:

- A. [CDD Keil, 8/13/08; Potential sale of 81/87 Racine Street and 504 Broad Street](#)
- B. [Clerk Galeazzi, 8/14/08; League of Wisconsin Municipalities Annual Conference](#)
- C. [WI Dept. of Administration, 8/10/08; Preliminary estimate of January 1, 2008 Population- Winnebago & Calumet Counties](#)
- D. [WI Dept. of Agriculture, 8/4/08; Emerald Ash Borer Alert](#)
- E. [Fox Cities Transit Commission Minutes, 7/9/08](#)
- F. [Heckrodt Wetland Reserve, 8/8/08; Heckrodt's application for a special use permit to expand existing picnic pavilion and existing maintenance garage](#)
- G. [Public Works Facility, July 2008 Disposal Violations](#)
- H. [Sandra Dabill Taylor, 8/12/08; Citizen response to 2030 Comprehensive Plan](#)
- I. [Town of Menasha Utility District Commission Minutes, 8/28/08](#)
- J. [Trinity Lutheran Church, 8/08; Thank you for participation in National Night Out](#)
- K. [Valley Transit, 8/8/08; Update on Rack 'n Roll certification requirement memo and Update on connector funding memo](#)
- L. [Waverly Sanitary District Minutes, 7/8/08](#)
- M. [Customers First!, 8/08; The Wire newsletter](#)

Moved by Alderman Hendricks, seconded by Alderman Pack to approve Minutes to Approve E-J and Communications A-M

Discussion: Ald. Hendricks-Minutes J (Water & Light Comm), staff's lack of urgency to complete items on Workout Plan, have Utility Staff give update to Council. Mayor Merkes explained he has having weekly meetings with GM Young to address these issues; Comm. A, what is plan to market 81/87 Racine St? CDD Keil explained staff has not been given any specific direction from Council; Comm. E, Valley Transit asking municipalities to contribute to a new program. CDD Keil explained Valley Transit staff have contacted him about a new program, but he hasn't seen anything in writing; Comm. G, disposal violations at Public Works Facility has been increasing; Comm. H, letter from Sandra Dabill Taylor, good suggestions, should be reviewed for Comprehensive Plan.

Ald. Wisneski-Comm. A, 81/87 Racine St., RDA recommended to Council to do a soft marketing of lots, no big sign; Comm. D, Emerald Ash Borer, what steps to take for treatment; Comm. H, letter from Sandra Dabill Taylor, Comprehensive Plan should include comments.

Motion Carried on voice vote
Results:

5. PUBLIC COMMENTS ON ANY MATTER OF CONCERN TO THE CITY

Five (5) minute time limit for each person

A. PUBLIC HEARING-Special Use Permit Application of Heckrodt Wetland Reserve to expand a garage and pavilion.

No one spoke

B. Public comments on any matter of concern to the City

Stan Sevenich, 645 9th Street. Thanked Council for making change to minutes of 8/4/08; Offer to Purchase of Athletica, would like to go on record as he was the only Alderman that voted against the agreement with Wisco.

Mary Nebel, 713 1st Street. Does sale price for Athletica include personal property?; HTE Software, did we get other bids on software programs?

Joanne Roush, 409 Cleveland Street. Athletica Offer to Purchase was accepted in July, why is Council just seeing it now?; HTE Software will it save staff time.

Jeff Riedl, 408 Appleton Street. Comprehensive Plan, Council should take time before adopting, need to be proactive on plan; Menasha Utilities, unless change in cooperation Council should deny any future financial support.

Mary Ann Mulvey, 274 Misty Meadows. Condition of cemetery.

Kim Vanderhyden, partner of Athletica Acquisition LLC, answered questions on Offer to Purchase.

Jerry Wittmann, 1290 Fieldview Drive. HTE Software, is the program necessary during a tough budget year.

6. CLAIMS AGAINST THE CITY

A. None

7. REPORT OF DEPARTMENT HEADS/STAFF/CONSULTANTS

A. Clerk Galeazzi, Elections Report

Clerk Galeazzi reported on the two remaining elections, Sept. 9 and Nov. 4. She explained the process for registering to vote and the preparation done by the Clerk's office for each election.

8. REPORT OF COMMITTEES/BOARDS/COMMISSIONS

A. Plan Commission:

1. 8/12/08; Recommends approval of the CSM on Kernan Avenue with the finding that shifting the lot line to include the existing pond within one parcel is a sound rationale for reconfiguring the lot boundaries

Moved by Alderman Zelinski, seconded by Alderman Pack to approve CSM on Kernan Avenue

Motion Carried on voice vote

Results:

2. 8/12/08; Recommends approval of the Special Use Permit application of Heckrodt Wetland Reserve to expand an existing garage and pavilion based on the nature of the buildings, the Reserve's need for space, the considerations that the facade materials will match existing and the secluded location of the buildings on the reserve

Moved by Alderman Zelinski, seconded by Alderman Pack to approve Special Use Permit

Motion Carried on voice vote

Results:

B. Administration Committee:

1. Recommend acquiescence with Athletica LLC Offer to Purchase

Moved by Alderman Wisneski, seconded by Alderman Pack to approve recommendation excluding item B on page 7 of the Offer to Purchase

Discussion

Motion Passed

Results:

Roll Call:

AYES: Benner , Hendricks , Michalkiewicz , Pack , Pamenter , Taylor , (8)
Wisneski , Zelinski

2. Gilbert Site Planning Grant Award funding shortfall

Moved by Alderman Wisneski, seconded by Alderman Pack to - increase developers portion to \$2,500

Motion Passed

Results:

Roll Call:

AYES: Benner , Hendricks , Michalkiewicz , Pack , Pamenter , Taylor , (7)
Wisneski
NAYS: Zelinski (1)

3. Jazzfest Fee Reduction for 2008 (Recommendation of Parks and Recreation Board)

Moved by Alderman Wisneski, seconded by Alderman Michalkiewicz to approve Jazzfest fee reduction

Motion Passed

Results:

Roll Call:

AYES: Benner , Hendricks , Michalkiewicz , Pack , Pamenter , Taylor , (8)
Wisneski , Zelinski

4. Request to approve of Sungard HTE Software Agreement (Recommendation of IT Steering Committee)

Moved by Alderman Wisneski, seconded by Alderman Taylor to approve Sungard HTE Software Agreement

Discussion

Moved by Ald. Pamenter, seconded by Ald. Hendricks to hold.

Motion Held

Results:

5. Accounts payable and payroll for 8/7/08-8/14/08 in the amount of \$2,888,084.89

Moved by Alderman Wisneski, seconded by Alderman Pack to approve accounts payable and payroll

Motion Passed

Results:

Roll Call:

AYES: Benner , Hendricks , Michalkiewicz , Pack , Pamenter , Taylor , (8)
Wisneski , Zelinski

C. Board of Public Works:

1. [Change Order - Carl Bowers & Sons Construction Co., Province Terrace; Contract Unit No. TIF 9 2006-07: \\$0 \(Change Order No. 2\)](#)

Moved by Alderman Pack, seconded by Alderman Wisneski to approve change order

Motion Carried on voice vote

Results:

2. [Change Order - DeGroot, Inc.; City of Menasha Wastewater Collection System Rehabilitation Improvements Project - Phase 3, Contract No. E145-07-01C; Sanitary Sewer Replacement; 39-Day Time Extension to August 29, 2008 Due to "Unavoidable" Delays to Issue the Final Payment Request and Complete Project Closeout Documentation \(Change Order No. 2\)](#)

Moved by Alderman Pack, seconded by Alderman Michalkiewicz to approve change order

Motion Carried on voice vote

Results:

3. [Change Order - National Power Rodding Corporation; City of Menasha Wastewater Collection System Rehabilitation Improvements Project - Phase 3; Contract No. E145-07-01A; Sanitary Sewer Rehabilitation; 60-Day Time Extension for "Unavoidable" Delays to Issue the Final Payment Request and Complete Project Closeout Documentation \(Change Order No. 2\)](#)

Moved by Alderman Pack, seconded by Alderman Michalkiewicz to approve change order

Motion Carried on voice vote

Results:

4. [Change Order - Valley Sealcoat, Inc.; Contract Unit PRD 2008-02; DEDUCT: \\$6,570.00 \(Change Order No. 1\)](#)

Moved by Alderman Pack, seconded by Alderman Michalkiewicz to approve change order

Motion Passed

Results:

Roll Call:

AYES: Benner , Hendricks , Michalkiewicz , Pack , Pamenter , Taylor , (8)
Wisneski , Zelinski

5. [Change Order - Valley Sealcoat, Inc.; Contract Unit PRD 2008-02. ADD: \\$4,282.20 \(Change Order No. 2\)](#)

Moved by Alderman Wisneski, seconded by Alderman Michalkiewicz to approve change order

Motion Passed

Results:

Roll Call:

AYES: Benner , Michalkiewicz , Pamenter , Taylor , Wisneski (5)
NAYS: Hendricks , Pack , Zelinski (3)

6. Payment - Carl Bowers & Sons Construction Co., Inc.; Province Terrace; Contract Unit No. TIF 9 2006-07; \$45,721.66 (Payment No. 3)

Moved by Alderman Pack, seconded by Alderman Wisneski to approve payment

Motion Passed

Results:

Roll Call:

AYES: Benner , Hendricks , Michalkiewicz , Pack , Pamenter , Taylor , (8)
Wisneski , Zelinski

7. Payment - Insituform Technologies, USA, Inc.; City of Menasha Wastewater Collection System Rehabilitation Improvements Project - Phase 3; Contract No. E145-07-01A; Sanitary Sewer Lining; \$185,406.00

Moved by Alderman Pack, seconded by Alderman Michalkiewicz to approve payment

Motion Passed

Results:

Roll Call:

AYES: Benner , Hendricks , Michalkiewicz , Pack , Pamenter , Taylor , (8)
Wisneski , Zelinski

8. Payment - Infrastructure Technologies, Inc.; City of Menasha Wastewater Collection System Rehabilitation Improvements Project - Phase 3; Contract No. E145-07-01A; Sanitary Manhole Lining; \$21,095.19 (Payment No. 5)

Moved by Alderman Pack, seconded by Alderman Wisneski to approve payment

Motion Passed

Results:

Roll Call:

AYES: Benner , Hendricks , Michalkiewicz , Pack , Pamenter , Taylor , (8)
Wisneski , Zelinski

9. Request for Stop Sign on Sixth Street at State Street (Ald. Pack)

Moved by Alderman Pack, seconded by Alderman Wisneski to deny request as per traffic study

Motion Carried on voice vote

Results:

10. Request for Traffic Control Signage at Lawson Street and Madison Street Intersection

Moved by Alderman Pack, seconded by Alderman Wisneski to deny request as per traffic study

Motion Carried on voice vote

Results:

11. Request for Traffic Control Signage at Madison Street and Mathewson Street Intersection

Moved by Alderman Pack, seconded by Alderman Hendricks to deny request as per traffic study

Motion Carried on voice vote

Results:

12. Recommendation to Establish Tire Disposal Fees (Held)

Moved by Alderman Pack, seconded by Alderman Wisneski to approve recommendation to establish tire disposal fees

Motion Passed

Results:

Roll Call:

AYES: Benner , Hendricks , Michalkiewicz , Pack , Pamenter , Taylor , (8)
Wisneski , Zelinski

13. Memorandum of Understanding Between the City of Menasha and the Town of Harrison - Carpenter Street/Barker Farm Park Bicycle/Pedestrian Access Trail

Moved by Alderman Pack, seconded by Alderman Taylor to approve Memorandum of Understanding

Motion Passed

Results:

Roll Call:

AYES: Benner , Hendricks , Michalkiewicz , Pack , Pamenter , Taylor , (8)
Wisneski , Zelinski

9. ORDINANCES AND RESOLUTIONS

A. O-14-08-An Ordinance relating to yield signs on Applewood Drive at Southfield Drive and on Sweetbriar Lane at Southfield Drive (Ald. Benner)

Moved by Alderman Benner, seconded by Alderman Hendricks to adopt O-14-08

Motion Passed

Results:

Roll Call:

AYES: Benner , Hendricks , Michalkiewicz , Pack , Pamenter , Taylor , (8)
Wisneski , Zelinski

B. O-16-08- An Ordinance adopting the City of Menasha Comprehensive Plan (Mayor Merkes)

Moved by Alderman Pack, seconded by Alderman Michalkiewicz to adopt O-16-08

Motion Passed

Results:

Roll Call:

AYES: Benner , Hendricks , Michalkiewicz , Pack , Pamenter , Taylor , (7)
Wisneski

NAYS: Zelinski (1)

C. [R-16-08- Resolution transferring funds \(Ald. Wisneski\)](#)

Moved by Alderman Wisneski, seconded by Alderman Michalkiewicz to hold R-16-08

Motion Held

Results:

10. HELD OVER BUSINESS

A. [None](#)

11. COUNCIL DIRECTIVES

A. [CDD Keil - Entitlement Communities \(Ald. Hendricks\)](#)

CDD Keil explained the history of entitlement communities. Entitlement communities are those municipalities of over 50,000 in population and the next closed municipality in size within the same area. Entitlement communities receive the housing grants directly from the State and disburse accordingly though out their municipality. The City of Menasha is not an entitlement community, so housing grants come from the Dept. of Commerce and are on a lottery system. The City needs to go through an application process each year.

12. CITIZEN REPRISE (People from the gallery to be heard; only pertaining to matters on the agenda - five (5) minute time limit for each person)

A. [Public comments on matters pertaining to the agenda](#)

No one spoke

13. ADJOURNMENT

A. [Adjournment](#)

Moved by Alderman Pack, seconded by Alderman Pamentor to adjourn at 9:00 p.m.

Motion Carried on voice vote

Results:

Respectfully submitted by Deborah A. Galeazzi, City Clerk